

4/9/06

INSTRUCTIONS TO FILE A COMPLAINT ALLEGING EMPLOYMENT DISCRIMINATION

When filing a complaint against a United States Government agency for employment discrimination under Title VII, 42 U.S.C. § 2000e-16, or the Age discrimination Employment Act (ADEA), 29 U.S.C. § 633 (a), the filer must:

1. Name the head of the agency or the department, **not** the agency itself.
2. File the complaint within thirty (30) days of final agency or EEOC action. If you are suing under the ADEA and did not file a complaint with the EEOC, you must file a complaint no sooner than thirty (30) days after giving the EEOC notice of your intent to sue but no later than one hundred and eighty (180) days after the alleged unlawful practice occurred.

The Department of the Army, Navy, Air Force, and the United States Postal Service are some of the governmental agencies falling under the above requirements. The names of respective department heads can be obtained from your local public library.

COMPLAINT

The following steps must be followed before the complaint is filed:

1. Complete the complaint form. Neither the clerk nor the Court can give legal advice on how to complete the complaint form.
2. The person filing a complaint is called the plaintiff. The person or business who defends a lawsuit is called the defendant. Complete the complaint form before naming the plaintiff(s) and the defendant(s). Use the names from **Section III** of the complaint to complete the blank lines that make the heading of your complaint. Leave the "Case No." blank. The clerk will give the complaint a court number.
3. Attach to the completed complaint form a copy of the **letter** from the Federal Equal Employment Opportunities Commission (**EEOC**) that gives you the right to sue in the United States District Court.

FILING THE COMPLAINT

1. The fee to file a complaint is \$350. The clerk cannot file your complaint until one of the two following steps occurs:

- A. Pay the \$350 filing fee (the complaint is filed immediately); or

B. File with the Clerk an Application to Proceed in Forma Pauperis (proceed without paying the filing fee) The Application will be presented to the Court which will either allow or deny the Application. If the Application to Proceed In Forma Pauperis is allowed, the \$350 filing fee will be waived and the complaint will be filed. If the Application to Proceed In Forma Pauperis is denied, the \$350 filing fee must be paid before the complaint will be filed.

CAUTION: Be aware that when an Application to Proceed In Forma Pauperis is filed, the complaint may not be filed within the deadlines shown above. The complaint is not filed until the Application has been ruled on by the Court. Allow sufficient time before the filing deadlines to allow for a ruling on the Application to Proceed In Forma Pauperis.

2. The following documents must be submitted to the Clerk when the lawsuit is filed:

A. Application to Proceed In Forma Pauperis; OR \$350 filing fee (only cash or money order payable to “Clerk, US District Court” is accepted).

B. One original complaint with any attachments (such as the EEOC right-to-sue letter), a copy of the complaint with attachments for each defendant named in the complaint. (It is the filer’s responsibility to have these copies prepared. The Clerk’s office charges \$.50 per page to make copies and will accept only cash or money orders in the exact amount.)

C. If an Application to proceed in forma pauperis is filed, one U.S. Marshal Form for each named defendant. (This form is used by the U S. Marshal to serve each named defendant when the filer is allowed to proceed in forma pauperis.) The Clerk can provide these forms.

D. If the \$350 filing fee is paid, OR the application to proceed in forma pauperis is denied, a summons form OR a Notice of Lawsuit and Waiver of Service must be completed for each named defendant. The clerk can also provide these forms.

APPOINTMENT OF COUNSEL

A pro se plaintiff may request the Court to appoint counsel. Complete the Motion to Appoint Counsel form and submit it at the same time as the complaint. If the Court denies the motion, the plaintiff must proceed with the case as a pro se party or obtain counsel.